IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

TUESDAY, THE FIFTH DAY OF JULY
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE B.SESHASAYANA REDDY

WRIT PETITION NO : 26776 of 2003

Between:

Aravapalli Ramesh Babu, S/o Gopal Rao,
Member, Water Consumer Association, Penamaluru post and Mandal, Krishna District. **..... PETITIONER**

AND

1. The District Collector, Machilipatnam,
   Krishna District.

2. The Mandal Revenue Officer, Penamaluru Mandal,
   Krishna District.

3. The Village Administrative Officer, Penamaluru, Penamaluru Mandal,Krishna District.

4. The Gram Panchayat, Penamaluru, Rep. by Executive officer, Penamaluru Mandal, Krishna District.

.....RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the affidavit filed herein the High Court may be pleased to issue an appropriate Writ, order or direction more particularly, one in the nature of Writ of mandamus declaring the action of the respondents in not considering the representation dt.03-05-2001, representation dated 13.7.2001 and taking appropriate steps to restore Gontolamma Cheruvu by preventing the persons from filling the tanks by removing the bunds of the tanks is illegal, arbitrary and consequently direct the respondents to take appropriate steps to restore Gontolanmma Cheruvu and pass.

(Prayer is amended as per court order dt.21.6.2005 in WPMP.No.16395/2005)

Counsel for the Petitioner: MR.KANAKAMEDALA RAVINDRA KUMAR

Counsel for the Respondents 1 to 3: GP for Revenue.

Counsel for the Respondent No.4: GP FOR PANCHAYAT RAJ & RURAL DEV.

The Court made the following :

O R D E R :

1. This Writ Petition has been filed by the petitioner with a prayer to issue a Writ of Mandamus declaring the action of the respondents in not considering the representations dt. 03-05-2001 and 13-7-2001 and taking appropriate steps to restore Gontolamma Cheruvu by preventing the villagers of penamaluru village from filling the tank with clay as illegal, arbitrary and consequently direct the respondents to take appropriate steps to restore Gontolanmma Cheruvu.

2. It is the contention of the learned counsel for the petitioner that the villagers are making hectic efforts to remove the bunds of Gontolamma Cheruvu and thereupon the petitioner submitted representations to Mandal Revenue Officer-2nd respondent complaining the unauthorized action of the villagers. Since the 2nd respondent-MRO has not taken any action on his representations, the petitioner has filed the writ petition invoking the jurisdiction of the court under Article 226 of the Constitution.

3. Heard learned counsel for the petitioner, learned Government Pleader for Revenue for 1st respondent to 3rd respondent and learned Government Pleader for Panchayat Raj and Rural Development appearing for 4th respondent.

4. It appears the petitioner has presented representations before the 2nd respondent-MRO whereunder he complained the illegal activities of the villagers in removing tank bunds of Gontolamma Cheruvu. Such is the situation, I deem it appropriate to direct the 2nd respondent-Mandal Revenue Officer to consider the representation of the petitioner submitted on 3.5.2001 and 13.7.2001 and pass appropriate orders within three months from the date of receipt of a copy of this order.

5. Accordingly, this Writ Petition is disposed of. No costs.

Dated: 5.7.2005. (B.Seshasayana Reddy,J)

tnb

ASSISTANT REGISTRAR

// TRUE COPY //

SECTION OFFICER

To

1. The District Collector, Machilipatnam,
   Krishna District.
2. The Mandal Revenue Officer, Penamaluru Mandal,
   Krishna District.
3. The Village Administrative Officer, Penamaluru, Penamaluru
   Mandal,Krishna District.
4. The Gram Panchayat, Penamaluru, Rep. by Executive officer, Penamaluru
   Mandal, Krishna District.
5. Two copies to Government Pleader for Panchayat Raj and Rural
   Development, High Court Buildings, Hyderabad. (OUT).
6. 2 CD copies

THE HONOURABLE SRI JUSTICE B.SESHASAYANA REDDY

W.P.NO.26776 OF 2003

DATED: 5-7-2005